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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

ALBERT WAYNE SAMPLE, )  
Petitioner, )  
) Civil Action No. 7:07-cv-00257

v. )  
)  
GENE M. JOHNSON, )  
Respondent. )  
) **FINAL ORDER**

By: Hon. Jackson L. Kiser  
Senior United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

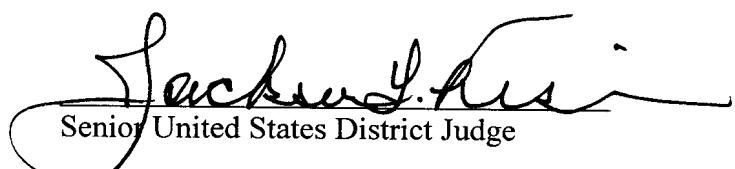
**ORDERED and ADJUDGED**

that Sample's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**; his motion to proceed in forma pauperis is **DENIED as MOOT**; his motion to appoint counsel is **DENIED as MOOT**; his motion to toll the statute of limitations is **DENIED as MOOT**; and this case shall be **STRICKEN** from the active docket of the court.

Sample is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 18<sup>th</sup> day of June, 2007.

  
Senior United States District Judge